

# GLACIER LAW LLP

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November 16, 2021

**Via ECF**

Hon. Mary Kay Vyskocil  
United States Courthouse  
500 Pearl St., Courtroom: 18c  
New York, NY 10007-1312

Re: Anhui Konka Green Lighting Co. v. Green Logic LED Electrical Supply, Inc.,  
General LED Corp., NRG Technologies USA, Inc. Case No. 18-cv-12255 (MKV)(KHP)

Dear Judge Vyskocil:

Plaintiff Anhui Konka Green Lightning Co. (“Konka”) opposes Defendants Green Logic LED Electronic Supply, Inc. (“GLL”), General LED Corp. (“General LED”), and NRG Technologies USA, Inc. (“NRG”)’s letter requesting stay in abeyance of Konka’s motion to dismiss Defendants’ counterclaims and strike Defendants’ affirmative defenses pending both parties’ motion for summary judgment. Konka does not wish to unduly burden the Court.

Defendants claim that Konka failed to request a pre-motion conference. However, filling this motion to dismiss without requesting a pre-motion conference does not prejudice any party. As mentioned in Konka’s Motion to Dismiss and Strike [Dkt. No. 267], GLL again alleges identical claims “fraud,” and “fraud, breach of covenant of good faith” that have already been rejected by this Court. In addition, GLL’s newly raised claim of “breach of implied warranty of merchantability” should be rejected because it is outside the scope of Konka’s Third Amended Complaint. Even if GLL is able to raise a new claim of “breach of implied warranty of merchantability,” GLL’s newly raised claim and Defendants’ fifteen affirmative defenses lack factual support in that Defendants do not allege sufficient facts to support its claim and their affirmative defenses, and that Defendants are prohibited from providing any factual support because of GLL’s repeated ignorance of Court Orders. Accordingly, Defendants are simply bringing counterclaims and affirmative defenses to delay the litigation.

For the reasons set forth herein, Defendants’ request for stay in abeyance is meritless.

Respectfully Submitted,

  
Tianyu Ju, Esq.